

## **Minutes of a Meeting of the Healthier Communities Overview and Scrutiny Committee held via video-conference on Monday, 8 March, 2021.**

**Present:** Councillor Mark Strong (Chairman), Councillors Bryan Davies, Gethin Davies, Marc Davies, Odwyn Davies, Keith Evans, Hag Harris, Alun Lloyd Jones, Lyndon Lloyd MBE, Dan Potter, John Roberts, Lynford Thomas and Ivor Williams.

**Also present:** Councillors Catherine Hughes, Gareth Lloyd, Ray Quant MBE, Alun Williams (Cabinet Members).

**Officers present:** Alun Williams, Corporate Lead Officer, Policy, Performance and Public Protection; Elizabeth Upcott, Corporate Manager, Safeguarding; Heddwyn Evans, Environmental Health Manager; Anne-Louise Davies, Trading Standards and Licensing Manager; Hannah Rees, Governance Officer; Nia Jones, Corporate Manager, Democratic Services; Dwynwen Jones, Overview and Scrutiny Officer; Kay Davies, Democratic Services Officer.

10.00am – 1.00pm

### **1. Apologies**

Apologies were received from Councillors Paul Hinge and Elaine Evans.

### **2. Personal matters**

The Chair welcomed all to the meeting. The Committee wished to convey their condolences to the family of Judi O'Rourke, Corporate Manager – Extended Support Adult Services who passed away recently. A minute's silence was observed in her memory.

### **3. Disclosure of Personal / Prejudicial Interests**

There were no disclosures of personal / prejudicial interests.

### **4. Amendments to the Smoke-Free Premises (Wales) Regulations 2007 to introduce additional requirements relating to the introduction of new outdoor smoke free areas in the Smoke-free Premises and Vehicles (Wales) Regulations 2020**

Alun Williams, Corporate Lead Officer, Policy, Performance and Public Protection provided the background to the report to inform Committee members of amended legislation and those additional requirements and to seek

- a recommendation regarding the provisions in the Welsh Government guidance that allows local implementation of a ban on Electronic Nicotine Delivery Systems (ENDS) (vaping/e-cigarettes) in those smoke-free areas; and
- a recommendation to provide authorisation under the Smoke-free Premises and Vehicles (Wales) Regulations 2020 for officers of Public Protection.

Officers within Public Protection require authorisation under the above regulations in order to enforce the legislation on behalf of the Authority.

Heddwyn Evans, Environmental Health Manager delivered a power point presentation on the report to inform Members of the changes. On 1 March 2021,

Smoke-free Premises and Vehicles (Wales) Regulations 2020 extended the existing Regulations by:-

- Amending the regulations with regard to some vehicles and dwellings, mental health units, adult care homes and adult hospices.
- Introducing new outdoor smoke-free areas from 1st March 2021 (hospital and school grounds, play parks, outdoor childcare settings.)
- Removing smoke-free exemptions currently applied to hotel rooms, guest houses and inns, holiday and temporary accommodation from 1st March 2022;

The Regulations apply to smoking tobacco but not to using e-cigarettes/vaping (Electronic Nicotine Delivery Systems (ENDS)). However the Welsh Government guidance allows for persons in control of or concerned with the management of smoke-free settings to introduce voluntary, non-legislative requirements on the banning of e-cigarettes if they wish.

A person who commits the offence of smoking in a smoke free premises is liable to a Fixed Penalty Notice of a £100 which is served by a Public Protection officer.

Members discussed the information at length and points raised included:

- i. A need to include a ban on vaping in non-smoking areas. It was noted that although this is not currently included in the regulations, the Committee may recommend imposing a ban on vaping on Council premises and land however the Council would have no enforcement powers in relation to vaping. It was noted that other Welsh Authorities have not yet placed a ban on vaping but Ceredigion could go ahead if it is approved.
- ii. Concerns were raised in relation to bus drivers smoking in car parks whilst waiting for pupils to board their buses. Clarity would be required as to whether bus parking bays are on school property and therefore would be required to refrain from smoking.
- iii. It was noted that signage has been purchased for display at Ceredigion County Council owned premises.
- iv. A Council workshop was proposed as the new legislation affects all wards.
- v. Some Members noted that policing the ban would be difficult. However, it was noted that compliance has been positive since the legislation on no smoking came into being. It was noted that there are no extra resources to implement the new legislation.

Committee members were required:

- To consider the content and implications of the report, and recommend that steps are taken to ensure all Local Authority smoke-free settings comply with the new legal requirements.
- That the additional enforcement requirements on the Public Protection service re noted.
- To recommend the inclusion of e-cigarettes as part of the ban on smoking in certain (or all) smoke-free settings under the responsibility of the Local Authority; and to further recommend necessary changes to the Constitution to reflect the implementation of the Smoke-free Premises and Vehicles (Wales) Regulations 2020.

The Committee accepted these recommendations with a suggestion that Full Council should consider the following:

- That any displayed smoke-free signage should provide a clear message that it includes all types of smoking, including vaping;
- Clear guidance should be provided to Community and Town Councils and outside bodies who lease or use Council owned property and/or land; and
- That as an Authority we need to be proactive when considering such policies to lead by example.

The Chair thanked the Corporate Lead Officer for Policy, Performance and Public Protection and the Environmental Health Manager for the report.

### **5. Ban on wild animals in travelling circuses in Wales becomes law**

The Corporate Lead Officer for Policy, Performance and Public Protection, Alun Williams provided the background to the report which was presented by Anne-Louise Davies in order to inform Committee members of new legislation banning the use of wild animals in travelling circuses in Wales and to seek a recommendation to provide authorisation under the Wild Animals and Circuses (Wales) Act 2020 for officers of Public Protection.

Officers within Public Protection require authorisation under the Wild Animals and Circuses (Wales) Act 2020 in order to enforce the legislation on behalf of the Authority.

In 2018, Welsh Government launched a public consultation on the draft Wild Animals in Travelling Circuses Bill which was aimed at addressing ethical concerns of people across Wales by banning the use of wild animals in travelling circuses in Wales. It attracted a high number of responses (over 6,500 responses) with 97% of respondents supporting the introduction of this legislation.

The majority of travelling circuses nowadays no longer use any animals, and only two circuses touring the UK remain with wild animals. The wild animals they keep include camels, zebras and reindeer. Both circuses are based in England but regularly visit Wales. The small and declining number of wild animals kept by those that do is an indication that the public appetite for this type of entertainment is not what it once was. Keeping wild animals in travelling circuses, purely for our entertainment, is now considered outdated and it contributes little to further our understanding of wild animals or their conservation.

The Act, which came into force on 1st December 2020, now makes it an offence for an operator of a travelling circus to use, or cause or permit another person to use, a wild animal in a travelling circus in Wales. Similarly, the Scottish Government banned the use of wild animals in travelling circuses in 2018, and England did the same in 2019.

A wild animal is 'used' if the animal performs or is exhibited. This definition captures, for example, the deliberate positioning of a wild animal in any way intended to promote a travelling circus. If an operator is found guilty of an offence, the courts can impose an unlimited fine.

Only officers appointed as inspectors by a county council or county borough council in Wales or by the Welsh Ministers can enforce the provisions of the new Act in Wales. Therefore, officers within Public Protection, namely Environmental Health, Trading Standards and Licensing officers, require authorisation under the Wild Animals and Circuses (Wales) Act 2020 and any associated regulations to

fulfil the enforcement duty placed upon Ceredigion County Council for the purposes of enforcing this new ban.

Following discussion, the Committee accepted the following recommendation/s:

- (i) That Scrutiny consider the content and implications of the report, and recommend that the Corporate Lead Officer be delegated the power to authorise Officers within Public Protection to enforce The Wild Animals and Circuses (Wales) Act; and
- (ii) That Scrutiny further recommends that the necessary changes to the Constitution reflect the implementation of The Wild Animals and Circuses (Wales) Act 2020.

## **6. Independent Reviewing Service Performance Management Report Quarter 2, 2020 – 2021**

Elizabeth Upcott, Corporate Manager, Safeguarding presented the report to the Committee in order that they may monitor the progress of Looked After Children through Independent Reviewing Officers scrutiny of their plans and placements during the second quarter of 2020/2021. This information contributes to Members fulfilling their roles as Corporate Parents.

The report includes national and local standards and targets used to measure outcomes for looked after children and care leavers at the time of their review meeting and includes Welsh Government Performance Indicators.

On the basis of the information available and the views expressed during the review meeting, the IRO makes a professional judgement about the effectiveness of a child/young person's care plan in meeting their needs and may recommend changes to the care plan.

During the review meeting the IRO considers whether the child/young person requires assistance to identify relevant other people to obtain legal advice/take proceedings on their behalf. This action was not deemed necessary by the IRO for any child in the period.

In addition, the IRO has regard as to whether the child/young person's human rights are being breached in any way and, if so, might make a referral to CAF/CASS Cymru. This action was not required at any of the review meetings in the period.

During discussion, points raised included:

- i. There has been an improvement in statutory visits to Looked After Children during this quarter. However, lack of visits will have been documented on Monitoring Forms and visits have been affected by Covid 19. All face to face visits are subject to risk assessment. Ongoing work is being undertaken to improve this. Members noted that they would welcome improved figures in the next report.
- ii. Social Workers assess each individual as to the appropriate time to provide explanations as to why they are in care.
- iii. The ongoing need for more foster carers remains to be a challenge and especially Welsh speaking foster carers. Foster carers have coped very well during the pandemic especially considering there has been little or no face-to-face support. Support has continued to be given virtually.
- iv. LAC children and young people are also supported virtually and the Service has not experienced technical problems in these situations.

- v. LAC young people on pathway plans and who move into their own premises continue to work with their allocated Social Workers and continue to be reviewed by IRO. Support is provided as far as possible to LAC up to the age of 25. Essential visits have continued to be undertaken.
- vi. Therapeutic intervention is taken into account in each review where mental and emotional needs are considered.
- vii. Sufficient staff and foster carers remains an issue. External agencies are used if required.

The Corporate Manager, Safeguarding was thanked for the comprehensive report.

Following consideration and discussion the Healthier Communities Overview and Scrutiny Committee agreed to note the contents of the report and the levels of activity with the Local Authority.

### **7. Draft Forward Work Programme 2020/21**

The Draft Forward Programme 2020/21 was discussed and agreed as presented along with the proposal of the addition of the following for future meetings:

- a. Information relating to the sufficiency of Welsh language for LAC children and young people.
- b. Illegal tipping.
- c. The A487 trunk road: the need for more collaboration with the trunk road agencies.
- d. Litter on roadsides

Councillor Lyndon Lloyd MBE questioned whether the Committee's role should be amended in order that it scrutinises matters relating only to Porth Cymorth Cynnar, Porth Cynnal and Porth Gofal. The Chairman stated that it was their duty to ensure that matters within the current remit of this Committee are given equal attention and scrutiny.

### **8. To confirm the Minutes of the Meeting of the Committee held on 19 November 2020 and 18 February 2021 and to consider any matters arising from those Minutes**

- i. The Committee resolved to confirm the Minutes of the Meeting of the Committee held on 19 November 2020 as a correct record.
- ii. Matters arising from the Minutes of 19 November 2020: There were no matters arising.
- iii. The Committee resolved to confirm the minutes of the Meeting held on 18 February 2021 as a correct record.
- iv. Matters arising from the Minutes of 18 February 2021. There were no matters arising.

### **9. Any Other Business**

Councillor Lyndon Lloyd MBE requested information in relation to regular visits by relevant officers to the privately run and council run care homes in the county to ensure that the appropriate care is given to residents.

**Confirmed at the meeting of the Committee held on the**

**Chairman:-**  
**Date:**

**Minutes of a Special Meeting of the Healthier Communities Overview and Scrutiny Committee held remotely via video-conferencing on Thursday, 18<sup>th</sup> March 2021**

**Present:** Councillors Bryan Davies, Gethin Davies, Marc Davies, Odwyn Davies, Elaine Evans, Keith Evans, Hag Harris, Paul Hinge, Alun-Lloyd-Jones, Maldwyn Lewis, Lyndon Lloyd MBE, Dan Potter, John Roberts, Mark Strong, Lynford Thomas and Ivor Williams.

1.25pm – 1.35pm

1     **Apologies**

None were received

2     **Disclosure of Personal / Prejudicial Interests (including Whipping declarations)**

There were no disclosures of personal / prejudicial interests.

3     **Elect a Chairman for the Committee for the 2021/22 municipal year, with effect from 15<sup>th</sup> May 2021**

It was proposed by Councillor Mark Strong and seconded by Councillor Lynford Thomas that Councillor Bryan Davies be elected Chairman of the Healthier Communities Overview and Scrutiny Committee.

Councillor Keith Evans proposed that Councillor Lyndon Lloyd MBE be elected Chairman of the Healthier Communities Overview and Scrutiny Committee, which was seconded by Councillor Peter Davies MBE.

It was noted that a Chairman who could only access meetings virtually would have difficulty in the role and it was clarified that the intention was that Councillor Bryan Davies would only be Chairman until such time as meetings can be held in person and at such time Councillor Lyndon Lloyd MBE would become Chairman of the Committee.

Following clarification of this, Councillor Keith Evans and Councillor Peter Davies MBE withdrew their proposal.

Following a vote, it was unanimously **RESOLVED** that Councillor Bryan Davies be elected interim Chairman of the Healthier Communities Overview and Scrutiny Committee from the beginning of the 2021/22 municipal year, whilst meetings are held virtually.

4     **Elect a Vice-Chairman for the Committee for the 2021/22 municipal year, with effect from 15<sup>th</sup> May 2021**

It was proposed by Councillor Mark Strong and seconded by Councillor Lynford Thomas and unanimously **RESOLVED** that Councillor Lyndon Lloyd MBE be elected interim Vice-Chairman of the Healthier Communities Overview and Scrutiny Committee from the beginning of the 2021/22 municipal year, and would become Chair once face-to-face meetings resume.

It was noted that in the absence of the Chair at a virtual meeting, the previous Chair would act as Chairman for that committee meeting.

**Confirmed at the meeting of the Committee held on xxxx 2021**

**Chairman:**